
STATUTORY INSTRUMENTS

2007 No. 3538

The Environmental Permitting
(England and Wales) Regulations 2007

PART 3

Discharge of functions in relation to a regulated facility

Direction to a regulator: discharge of functions by a different regulator

33.—(1) An appropriate authority may direct—

- (a) the Agency to exercise such local authority functions as are, and for such period as is, specified in the direction; or
- (b) a local authority to exercise such Agency functions as are, and for such period as is, specified in the direction.

(2) A direction under this regulation may include such saving and transitional provisions as the appropriate authority considers necessary or expedient.

(3) A direction under this regulation may be made in respect of a description of regulated facility or a specific regulated facility.

(4) A direction under paragraph (1)(b) may not be made in relation to a waste operation carried on other than at an installation or by means of mobile plant.

(5) When giving a direction under this regulation the appropriate authority must notify the persons in paragraph (6) of the direction and publish the direction on its website.

(6) The persons are—

- (a) the Agency; and
- (b) any local authority or other person who in the appropriate authority's opinion are affected by the direction.

(7) An appropriate authority must not comply with a duty under paragraph (5) in a case where the authority considers that to do so would be contrary to the interests of national security.

(8) In this regulation—

“local authority functions” means functions which are exercisable by a local authority by virtue of regulation 32 or paragraph 2 of Schedule 2 (ignoring any direction under this regulation); and

“Agency functions” means functions which are exercisable by the Agency by virtue of regulation 32 or paragraph 2 of Schedule 2 (ignoring any direction under this regulation).